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Harvey Anderson

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EXAMINER

GRAHAM, CLEMENT B

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/775,532	<b>Applicant(s)</b> ANDERSON, HARVEY	
	<b>Examiner</b> Clement B. Graham	<b>Art Unit</b> 3696	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 9/29/08.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/22/08, 11/4/04</u> .                                       | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. Claims 1-24 remained pending.

2. ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 11, 16, 21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Based on Supreme Court precedent a method claim must (1) be tied to another statutory class of invention (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing (see at least *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876)). A method claim that fails to meet one of the above requirements is not in compliance with the statutory requirements of 35 U.S.C. 101 for patent eligible subject matter. Here claims 11, 16, 21 fail to meet the above requirements since there is not a sufficient tie to another statutory class.

### Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patent ability shall not be negated by the manner in which the invention was made.

5. Claims 1-24, are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang U.S. Pub: 2002/0123967 in view of Savage et al (Hereinafter Savage U.S Pub: 2002/0026394 in view of Pickering U.S Patent 5, 684, 965 in view of Grundfest US Pub: 2003/0028782.

As per claim 1, Wang discloses a system for facilitating processing and disposition of a

transaction within an access controlled environment, comprising:

an access control facility accessible via a global data processing network and configured to maintain user information a user to enter an access controlled environment within a data processing environment and to perform user operations within said access controlled environment (see para 0004, 0011, 0067, 0100)

a transaction management facility operable within said access controlled environment, coupled to said access control facility, and configured to store and maintain transaction data based on said transaction, said user operations, and a security scheme an authentication facility operable within said access controlled environment and configured to authenticate said transaction data based on an authentication scheme corresponding to said transaction(see para 0004, 0011, 0067, 0100).

Wang fail to explicitly teach billing facility configured to permit said user to establish a billing allocation scheme between a first party and a second party to be used to control the billing of services that provided within said access controlled environment, and are associated with a particular transaction to consolidate data related to internal operations performed by said access control facility, said transaction management facility, and said authentication facility to generate and process billing data based at least on at least on said billing allocation scheme wherein said billing data indicates a first monetary amount associated with said services which is to be billed to first party and a second monetary amount associated with said services which is to be billed to the second party.

However Savage discloses in order to make money, it is necessary for credit card providers to devise a way to lower infrastructure cost. A credit card provider has little control over its cost of financing. Therefore, the credit card provider must look at operating cost and endeavor to think creatively on how it can reduce such costs in order to give itself a strategic cost advantage. One possible way to reduce cost is to reduce the level of customer service, which would likely create dissatisfied customers. A far more attractive way to reduce cost is to leverage services over a bigger infrastructure, for example, by combining billing with multiple providers of goods and/or services. An attractive market to target is industries that provide recurring services, and statements, to the consumer. These are industries such as telephony, insurance/annuities, cable/pay television, the energy markets (gas, water, and electricity), and home security. Service providers such as energy companies are shifting to a deregulated industry like that of the airline, financial and long distance telecommunications industries. Customers are able, or will be able, to choose from a wide variety of marketing entities which will

provide their electricity. This choice encourages energy service companies to add value to their offering by lowering cost and developing new products and services and, in a sense, competing to be a full home services provider.(Note abstract and see para 0009, 0018, 0068, 0083).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Wang to include wherein said billing data indicates a first monetary amount associated with said services which is to be billed to first party and a second monetary amount associated with said services which is to be billed to the second party taught by Savage in order to bill each user for services provided.

Wang and Savage fail to explicitly teach associated with a particular transaction and wherein each of the first monetary amount and the second monetary amount are an amount greater than zero and the first party is different than the second party.

However Pickering discloses Still referring to FIG. 4, if the customer instead remits \$158.39, which is \$13.80 less than the \$172.19 total due, it can be assumed that the customer withheld the Part Due amount of \$13.80 that was owed for payment of the previous month's Bell Telephone Company charge. In this instance, it is clear that customer intends to pay all current charges, but disputes a past charge. (Note abstract and see column 6 lines 18-65).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Wang and Savage to include associated with a particular transaction and wherein each of the first monetary amount and the second monetary amount are an amount greater than zero and the first party is different than the second party taught by Pickering in order to consolidate a plurality of customer charges from a plurality of companies which have different periodic customer billing dates and different payment dates.

Wang, Savage and Pickering fail to explicitly teach wherein the access control facility includes means for interactive settlement of a legal dispute.

However Grundfest discloses once the lawsuit has been filed such as via electronic filing in accordance with the present invention, appropriate database records are created in data store 404 as those structural aspects exist within the litigation services space of access controlled environment 100 (FIG. 1). A litigant filing such a complaint within access controlled environment 100 may trigger the operations of interactive dispute resolution processes P2 by filing motions for Court action (e.g., a Motion to Compel Discovery) (see column 11-12 para 0103).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Wang, Savage and Pickering to include wherein the access control facility includes means for interactive settlement of a legal dispute taught by Groundfest in order to provide means for interactive settlement of legal dispute.

As per claim 2, Wang discloses wherein said global data processing network is the Internet. (see para 0004, 0011, 0067, 0100).

As per claim 3, Wang discloses wherein said billing facility generates a billing record related to said user operations within said access controlled environment. (see para 0004, 0011, 0067, 0100) .

As per claims 4-5, Wang and Savage fail to explicitly teach wherein the first said monetary amount is greater than said second amount. (see para 0004, 0011, 0067, 0100).

However Pickering discloses Still referring to FIG. 4, if the customer instead remits \$158.39, which is \$13.80 less than the \$172.19 total due, it can be assumed that the customer withheld the Part Due amount of \$13.80 that was owed for payment of the previous month's Bell Telephone Company charge. In this instance, it is clear that customer intends to pay all current charges, but disputes a past charge. (Note abstract and see column 6 lines 18-65).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Wang and Savage to include associated with a particular transaction and wherein each of the first monetary amount and the second monetary amount are an amount greater than zero and the first party is different than the second party taught by Pickering in order to consolidate a plurality of customer charges from a plurality of companies which have different periodic customer billing dates and different payment dates.

As per claim 6, Wang discloses a system for facilitating transaction processing and disposition within an access controlled environment, comprising:

an access control facility accessible via a global data processing network and configured to maintain user information. (see para 0004, 0011, 0067, 0100)

and to permit or deny users to login into an access controlled environment. maintained within a data processing environment said user information including a profile relating to each user of said users. (see para 0004, 0011, 0067, 0100)

each said profile including a user-specific level of security a transaction management facility operable within said access controlled environment, coupled to said access control facility, and configured to

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store and maintain data related to a transaction involving at least one of said users based on a predetermined security level to facilitate disposition of said transaction within said access controlled environment, and to determine accessibility related to said data for said each user based on said each user's profile. (see para 0004, 0011, 0067, 0100)

an authentication facility operable within said access controlled environment and configured to authenticate said data related to said transaction based on a predetermined authentication level set to correspond to said transaction a connectivity and communications facility coupled to said access control facility, said transaction management facility, and said authentication facility, said connectivity and communications facility configured to communicate with said access control facility. (see para 0004, 0011, 0067, 0100) said transaction management facility, said authentication facility, and external transaction party systems to facilitate disposition of said transaction based on said data stored and maintained by said transaction management facility. (see para 0004, 0011, 0067, 0100).

Wang fail to explicitly teach a billing facility configured to permit said users to establish a billing allocation scheme between a first and second party to be used to control the billing of services that are provided within said access controlled environment, and are associated with a particular transaction and to consolidate data related to internal operations performed by said access control facility, said transaction management facility, and said authentication facility to generate and process billing data based at least on said billing allocation scheme, wherein said billing data indicates a first monetary amount associated with said services which is to be billed to first party and a second monetary amount associated with said services which is to be billed to the second party .

However Savage discloses in order to make money, it is necessary for credit card providers to devise a way to lower infrastructure cost. A credit card provider has little control over its cost of financing. Therefore, the credit card provider must look at operating cost and endeavor to think creatively on how it can reduce such costs in order to give itself a strategic cost advantage. One possible way to reduce cost is to reduce the level of customer service, which would likely create dissatisfied customers. A far more attractive way to reduce cost is to leverage services over a bigger infrastructure, for example, by combining billing with multiple providers of goods and/or services. An attractive market to target is industries that provide recurring services, and statements, to the consumer. These are industries such as telephony, insurance/annuities, cable/pay television, the energy markets (gas, water, and electricity), and home security. Service providers such as energy companies are shifting to a deregulated industry like

that of the airline, financial and long distance telecommunications industries. Customers are able, or will be able, to choose from a wide variety of marketing entities which will provide their electricity. This choice encourages energy service companies to add value to their offering by lowering cost and developing new products and services and, in a sense, competing to be a full home services provider. (Note abstract and see para 0009, 0018, 0068, 0083).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Wang to include a billing facility configured to permit said users to establish a billing allocation scheme between a first and second party to be used to control the billing of services provided within said access controlled environment, and to consolidate data related to internal operations performed by said access control facility, said transaction management facility, and said authentication facility to generate and process billing data based at least on said billing allocation scheme, wherein said billing data indicates a first monetary amount associated with said services which is to be billed to first party and a second monetary amount associated with said services which is to be billed to the second party taught by Savage in order to bill each user for services provided. Wang and Savage fail to explicitly teach associated with a particular transaction and wherein each of the first monetary amount and the second monetary amount are an amount greater than zero and the first party is different than the second party.

However Pickering discloses Still referring to FIG. 4, if the customer instead remits \$158.39, which is \$13.80 less than the \$172.19 total due, it can be assumed that the customer withheld the Part Due amount of \$13.80 that was owed for payment of the previous month's Bell Telephone Company charge. In this instance, it is clear that customer intends to pay all current charges, but disputes a past charge. (Note abstract and see column 6 lines 18-65).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Wang and Savage to include associated with a particular transaction and wherein each of the first monetary amount and the second monetary amount are an amount greater than zero and the first party is different than the second party taught by Pickering in order to consolidate a plurality of customer charges from a plurality of companies which have different periodic customer billing dates and different payment dates.

Wang, Savage and Pickering fail to explicitly teach wherein the access control facility includes means for interactive settlement of a legal dispute.



However Grundfest discloses once the lawsuit has been filed such as via electronic filing in accordance with the present invention, appropriate database records are created in data store 404 as those structural aspects exist within the litigation services space of access controlled environment 100 (FIG. 1). A litigant filing such a complaint within access controlled environment 100 may trigger the operations of interactive dispute resolution processes P2 by filing motions for Court action (e.g., a Motion to Compel Discovery) (see column 11-12 para 0103).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Wang, Savage and Pickering to include wherein the access control facility includes means for interactive settlement of a legal dispute taught by Grundfest in order to provide means for interactive settlement of legal dispute.

As per claim 7, Wang discloses wherein said global data processing network is the Internet. (see para 0004, 0011, 0067, 0100).

As per claim 8, Wang discloses wherein said billing facility generates a billing record related to each operation performed by said users within said access controlled environment. (see para 0004, 0011, 0067, 0100).

As per claims 9-10, Wang fails to explicitly teach wherein the first said monetary amount is greater than said second amount.

However Pickering discloses Still referring to FIG. 4, if the customer instead remits \$158.39, which is \$13.80 less than the \$172.19 total due, it can be assumed that the customer withheld the Part Due amount of \$13.80 that was owed for payment of the previous month's Bell Telephone Company charge. In this instance, it is clear that customer intends to pay all current charges, but disputes a past charge. (Note abstract and see column 6 lines 18-65).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Wang and Savage to include associated with a particular transaction and wherein each of the first monetary amount and the second monetary amount are an amount greater than zero and the first party is different than the second party taught by Pickering in order to consolidate a plurality of customer charges from a plurality of companies which have different periodic customer billing dates and different payment dates.

As per claim 11, Wang discloses a method for facilitating transaction processing and disposition within an access controlled environment, comprising the steps of:

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at an access control facility accessible via a global data processing network maintaining user information and permitting or denying a user to login into an access controlled environment maintained within a data processing environment. (see para 0004, 0011, 0067, 0100) at a transaction management facility coupled to said access control facility, storing and maintaining data related to a transaction .(i. e, “client services based on a predetermined security level to facilitate disposition of said transaction within said access controlled environment. (see para 0004, 0011, 0067, 0100) at an authentication facility, authenticating said data related to said transaction based on a predetermined authentication level (see para 0004, 0011, 0067, 0100).

Wang fail to explicitly teach and a billing facility permitting said user to establish a billing allocation scheme to be used to control the billing of services provided within said access controlled environment billing facility, between a first and second party and consolidating data related to internal operations performed by said access control facility, and said authentication facility based on said billing allocation scheme, and at said billing facility, generating and processing said billing data based at least on said billing allocation scheme and wherein said billing data indicates a first monetary amount associated with said services which is to be billed to first party and a second monetary amount associated with said services which is to be billed to the second party and are associated with a particular transaction.

However Savage discloses in order to make money, it is necessary for credit card providers to devise a way to lower infrastructure cost. A credit card provider has little control over its cost of financing. Therefore, the credit card provider must look at operating cost and endeavor to think creatively on how it can reduce such costs in order to give itself a strategic cost advantage. One possible way to reduce cost is to reduce the level of customer service, which would likely create dissatisfied customers. A far more attractive way to reduce cost is to leverage services over a bigger infrastructure, for example, by combining billing with multiple providers of goods and/or services. An attractive market to target is industries that provide recurring services, and statements, to the consumer. These are industries such as telephony, insurance/annuities, cable/pay television, the energy markets (gas, water, and electricity), and home security. Service providers such as energy companies are shifting to a deregulated industry like that of the airline, financial and long distance telecommunications industries. Customers are able, or will be able, to choose from a wide variety of marketing entities which will provide their electricity. This choice encourages energy service companies to add value to their offering

by lowering cost and developing new products and services and, in a sense, competing to be a full home services provider.(Note abstract and see para 0009, 0018, 0068, 0083).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Wang to include a billing facility permitting said user to establish a billing allocation scheme to be used to control the billing of services provided within said access controlled environment billing facility, between a first and second party and consolidating data related to internal operations performed by said access control facility, and said authentication facility based on said billing allocation scheme, and at said billing facility, generating and processing said billing data based at least on said billing allocation scheme and wherein said billing data indicates a first monetary amount associated with said services which is to be billed to first party and a second monetary amount associated with said services which is to be billed to the second party and are associated with a particular transaction.

Wang and Savage fail to explicitly teach associated with a particular transaction and wherein each of the first monetary amount and the second monetary amount are an amount greater than zero and the first party is different than the second party.

However Pickering discloses Still referring to FIG. 4, if the customer instead remits \$158.39, which is \$13.80 less than the \$172.19 total due, it can be assumed that the customer withheld the Part Due amount of \$13.80 that was owed for payment of the previous month's Bell Telephone Company charge. In this instance, it is clear that customer intends to pay all current charges, but disputes a past charge. (Note abstract and see column 6 lines 18-65).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Wang and Savage to include associated with a particular transaction and wherein each of the first monetary amount and the second monetary amount are an amount greater than zero and the first party is different than the second party taught by Pickering in order to consolidate a plurality of customer charges from a plurality of companies which have different periodic customer billing dates and different payment dates.

Wang, Savage and Pickering fail to explicitly teach interactively engaging in communication to settle a legal dispute.

However Grundfest discloses once the lawsuit has been filed such as via electronic filing in accordance with the present invention, appropriate database records are created in data store 404 as

those structural aspects exist within the litigation services space of access controlled environment 100 (FIG. 1). A litigant filing such a complaint within access controlled environment 100 may trigger the operations of interactive dispute resolution processes P2 by filing motions for Court action (e.g., a Motion to Compel Discovery) (see column 11-12 para 0103).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Wang, Savage and Pickering to include interactively engaging in communication to settle a legal dispute taught by Groundfest in order to provide means for interactive settlement of legal dispute.

As per claim 12, Wang discloses wherein said global data processing network is the Internet. (see para 0004, 0011, 0067, 0100).

As per claim 13, Wang discloses wherein said billing data is generated and processed relating to each operation performed by said user within said access controlled environment. (see para 0004, 0011, 0067, 0100).

As per claims 14-15, Wang and Savage fail to explicitly teach wherein the first said monetary amount is greater than said second amount.

However Pickering discloses Still referring to FIG. 4, if the customer instead remits \$158.39, which is \$13.80 less than the \$172.19 total due, it can be assumed that the customer withheld the Part Due amount of \$13.80 that was owed for payment of the previous month's Bell Telephone Company charge. In this instance, it is clear that customer intends to pay all current charges, but disputes a past charge. (Note abstract and see column 6 lines 18-65).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Wang and Savage to include associated with a particular transaction and wherein each of the first monetary amount and the second monetary amount are an amount greater than zero and the first party is different than the second party taught by Pickering in order to consolidate a plurality of customer charges from a plurality of companies which have different periodic customer billing dates and different payment dates.

As per claim 16, Wang discloses a method for facilitating transaction processing and disposition within an access controlled environment, comprising the steps of:  
at a user system operated by a user, accessing an access control facility via a global data processing network said access control facility configured to maintain user information related to said user

permitting or denying said user system operable access to an access controlled environment maintained within a data processing environment . (see para 0004, 0011, 0067, 0100) based on a profile related to said user including a user-specific level of security at a transaction management facility coupled to said access control facility and operating within said access controlled environment, storing and maintaining data related to a transaction.(i. e, client services”) involving said user based on a predetermined security level to facilitate disposition of said transaction within said access controlled environment, said transaction management facility. (see para 0004, 0011, 0067, 0100) determining accessibility related to said data for said user based on said user's profile at an authentication facility operating within said access control environment, authenticating said data related to said transaction based on a predetermined authentication level set to correspond to said transaction at a communications facility coupled to said access control facility, said transaction management facility, said authentication facility and operating within said access controlled environment, communicating with external systems to facilitate disposition of said transaction based on said data stored and maintained by said transaction management facility. (see para 0004, 0011, 0067, 0100).

Wang fail to explicitly teach permitting said user to establish a billing allocation scheme between a first and a second party to be used to control the billing of services provided that are within said access controlled environment and are associated with a particular transaction and at a billing facility operating within said access controlled environment, consolidating data related to internal operations performed by said access control facility, said transaction management facility, and said authentication facility, generating and processing billing data based at least on billing allocation scheme and wherein said billing data indicates a first monetary amount associated with said services which is to be billed to first party and a second monetary amount associated with said services which is to be billed to the second party.

However Savage discloses in order to make money, it is necessary for credit card providers to devise a way to lower infrastructure cost. A credit card provider has little control over its cost of financing. Therefore, the credit card provider must look at operating cost and endeavor to think creatively on how it can reduce such costs in order to give itself a strategic cost advantage. One possible way to reduce cost is to reduce the level of customer service, which would likely create dissatisfied customers. A far more attractive way to reduce cost is to leverage services over a bigger infrastructure, for example, by combining billing with multiple providers of goods and/or services. An attractive

market to target is industries that provide recurring services, and statements, to the consumer. These are industries such as telephony, insurance/annuities, cable/pay television, the energy markets (gas, water, and electricity), and home security. Service providers such as energy companies are shifting to a deregulated industry like that of the airline, financial and long distance telecommunications industries. Customers are able, or will be able, to choose from a wide variety of marketing entities which will provide their electricity. This choice encourages energy service companies to add value to their offering by lowering cost and developing new products and services and, in a sense, competing to be a full home services provider.(Note abstract and see para 0009, 0018, 0068, 0083).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Wang to include explicitly teach permitting said user to establish a billing allocation scheme between a first and a second party to be used to control the billing of services provided within said access controlled environment and at a billing facility operating within said access controlled environment, consolidating data related to internal operations performed by said access control facility, said transaction management facility, and said authentication facility, generating and processing billing data based at least on billing allocation scheme and wherein said billing data indicates a first monetary amount associated with said services which is to be billed to first party and a second monetary amount associated with said services which is to be billed to the second party taught by Savage in order to bill each user for services provided.

Wang and Savage fail to explicitly teach associated with a particular transaction and wherein each of the first monetary amount and the second monetary amount are an amount greater than zero and the first party is different than the second party.

However Pickering discloses Still referring to FIG. 4, if the customer instead remits \$158.39, which is \$13.80 less than the \$172.19 total due, it can be assumed that the customer withheld the Part Due amount of \$13.80 that was owed for payment of the previous month's Bell Telephone Company charge. In this instance, it is clear that customer intends to pay all current charges, but disputes a past charge. (Note abstract and see column 6 lines 18-65).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Wang and Savage to include associated with a particular transaction and wherein each of the first monetary amount and the second monetary amount are an amount greater than zero and the first party is different than the second party taught by Pickering in order to consolidate

a plurality of customer charges from a plurality of companies which have different periodic customer billing dates and different payment dates.

Wang, Savage and Pickering fail to explicitly teach interactively engaging in communication to settle a legal dispute.

Wang, Savage and Pickering fail to explicitly teach means for interactive settlement of a legal dispute.

However Grundfest discloses once the lawsuit has been filed such as via electronic filing in accordance with the present invention, appropriate database records are created in data store 404 as those structural aspects exist within the litigation services space of access controlled environment 100 (FIG. 1). A litigant filing such a complaint within access controlled environment 100 may trigger the operations of interactive dispute resolution processes P2 by filing motions for Court action (e.g., a Motion to Compel Discovery) (see column 11-12 para 0103).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Wang, Savage and Pickering to include means for interactive settlement of a legal dispute taught by Grundfest in order to provide means for interactive settlement of legal dispute.

As per claim 17, Wang discloses wherein said global data processing network is the Internet. (see para 0004, 0011, 0067, 0100).

As per claim 18, Wang discloses further comprises the step of: at said billing facility, generating a billing record related to each operation performed by said user within. (see para 0004, 0011, 0067, 0100).

As per claims 19-20, Wang and Savage fail to explicitly teach wherein the first said monetary amount is greater than said second amount.

However Pickering discloses Still referring to FIG. 4, if the customer instead remits \$158.39, which is \$13.80 less than the \$172.19 total due, it can be assumed that the customer withheld the Part Due amount of \$13.80 that was owed for payment of the previous month's Bell Telephone Company charge. In this instance, it is clear that customer intends to pay all current charges, but disputes a past charge. (Note abstract and see column 6 lines 18-65).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Wang and Savage to include associated with a particular transaction and wherein each of the first monetary amount and the second monetary amount are an amount greater

than zero and the first party is different than the second party taught by Pickering in order to consolidate a plurality of customer charges from a plurality of companies which have different periodic customer billing dates and different payment dates.

As per claim 21, Wang discloses a system for facilitating processing and disposition of a transaction within an access controlled environment, comprising:

an access control facility accessible via a global data processing network and configured to permit or deny a user to enter an access controlled environment within a data processing environment and to utilize services offered within said access controlled environment and billing facility(see para 0004, 0011, 0067, 0100).

Wang fail to explicitly teach configured to permit said user to establish a billing allocation scheme between a first party and second party to be used to control billing related to said services that are provided within said access controlled environment and are associated with a particular transaction and generate and process billing data based at least on said services offered within said access controlled environment and wherein said billing data indicates a first monetary amount associated with said services which is to be billed to first party and a second monetary amount associated with said services which is to be billed to the second party.

However Savage discloses in order to make money, it is necessary for credit card providers to devise a way to lower infrastructure cost. A credit card provider has little control over its cost of financing. Therefore, the credit card provider must look at operating cost and endeavor to think creatively on how it can reduce such costs in order to give itself a strategic cost advantage. One possible way to reduce cost is to reduce the level of customer service, which would likely create dissatisfied customers. A far more attractive way to reduce cost is to leverage services over a bigger infrastructure, for example, by combining billing with multiple providers of goods and/or services. An attractive market to target is industries that provide recurring services, and statements, to the consumer. These are industries such as telephony, insurance/annuities, cable/pay television, the energy markets (gas, water, and electricity), and home security. Service providers such as energy companies are shifting to a deregulated industry like that of the airline, financial and long distance telecommunications industries. Customers are able, or will be able, to choose from a wide variety of marketing entities which will provide their electricity. This choice encourages energy service companies to add value to their offering by lowering cost and



developing new products and services and, in a sense, competing to be a full home services provider. (Note abstract and see para 0009, 0018, 0068, 0083).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Wang to configured to permit said user to establish a billing allocation scheme between a first party and second party to be used to control billing related to said services provided within said access controlled environment and generate and process billing data based at least on said services offered within said access controlled environment and wherein said billing data indicates a first monetary amount associated with said services which is to be billed to first party and a second monetary amount associated with said services which is to be billed to the second party taught by Savage in order to bill each user for services provided.

Wang and Savage fail to explicitly teach associated with a particular transaction and wherein each of the first monetary amount and the second monetary amount are an amount greater than zero and the first party is different than the second party.

However Pickering discloses Still referring to FIG. 4, if the customer instead remits \$158.39, which is \$13.80 less than the \$172.19 total due, it can be assumed that the customer withheld the Part Due amount of \$13.80 that was owed for payment of the previous month's Bell Telephone Company charge. In this instance, it is clear that customer intends to pay all current charges, but disputes a past charge. (Note abstract and see column 6 lines 18-65).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Wang and Savage to include associated with a particular transaction and wherein each of the first monetary amount and the second monetary amount are an amount greater than zero and the first party is different than the second party taught by Pickering in order to consolidate a plurality of customer charges from a plurality of companies which have different periodic customer billing dates and different payment dates.

Wang, Savage and Pickering fail to explicitly teach wherein the access control facility includes means for interactive settlement of a legal dispute.

However Grundfest discloses once the lawsuit has been filed such as via electronic filing in accordance with the present invention, appropriate database records are created in data store 404 as those structural aspects exist within the litigation services space of access controlled environment 100 (FIG. 1). A litigant filing such a complaint within access controlled environment 100 may trigger the

operations of interactive dispute resolution processes P2 by filing motions for Court action (e.g., a Motion to Compel Discovery) (see column 11-12 para 0103).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Wang, Savage and Pickering to include wherein the access control facility includes means for interactive settlement of a legal dispute taught by Groundfest in order to provide means for interactive settlement of legal dispute.

As per claim 22, Wang discloses wherein said billing facility generates a billing record related to each operation related to said services performed by said user within said access controlled environment. (see column 12 lines 6-9 and column 9 lines 45-49).

As per claims 23-24, Wang and Savage fail to explicitly teach wherein the first said monetary amount is greater than said second amount.

However Pickering discloses Still referring to FIG. 4, if the customer instead remits \$158.39, which is \$13.80 less than the \$172.19 total due, it can be assumed that the customer withheld the Part Due amount of \$13.80 that was owed for payment of the previous month's Bell Telephone Company charge. In this instance, it is clear that customer intends to pay all current charges, but disputes a past charge. (Note abstract and see column 6 lines 18-65).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Wang and Savage to include associated with a particular transaction and wherein each of the first monetary amount and the second monetary amount are an amount greater than zero and the first party is different than the second party taught by Pickering in order to consolidate a plurality of customer charges from a plurality of companies which have different periodic customer billing dates and different payment dates.

### **Response to Arguments**

6. Applicant's arguments filed on 9/29/2008 have been fully considered but they are moot in view of new grounds of rejections.

7. Applicant's claims 11, 16, 21, states "user to login" security level to facilitate" permitting said user to establish" second party to be used to control" configured to maintain " second party to be used" configured to permit" to generate" which is to be billed"

However the subject matter of a properly construed claim is defined by the terms that limit its scope. It is this subject matter that must be examined. As a general matter, the grammar and

intended meaning of terms used in a claim will dictate whether the language limits the claim scope. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. The following are examples of language that may raise a question as to the limiting effect of the language in a claim:

- (A) statements of intended use or field of use,
- (B) “adapted to” or “adapted for” clauses,
- (C) “wherein” clauses, or
- (D) “whereby” clauses.

This list of examples is not intended to be exhaustive. See also MPEP § 2111.04.

\*\*>USPTO personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim should not be read into the claim. E-Pass Techs., Inc. v. 3Com Corp., 343 F.3d 1364, 1369, 67 USPQ2d 1947, 1950 (Fed. Cir. 2003) (claims must be interpreted “in view of the specification” without importing limitations from the specification into the claims unnecessarily). In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969). See also In re Zletz, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) (“During patent examination the pending claims must be interpreted as broadly as their terms reasonably allow.... The reason is simply that during patent prosecution when claims can be amended, ambiguities should be recognized, scope and breadth of language explored, and clarification imposed.... An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous. Only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process.”).<

Where an explicit definition is provided by the applicant for a term, that definition will control interpretation of the term as it is used in the claim. Toro Co. v. White Consolidated Industries Inc., 199 F.3d 1295, 1301, 53 USPQ2d 1065, 1069 (Fed. Cir. 1999) (meaning of words used in a claim is not construed in a “lexicographic vacuum, but in the context of the specification and drawings.”). Any special meaning

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assigned to a term “must be sufficiently clear in the specification that any departure from common usage would be so understood by a person of experience in the field of the invention.” *Multiform Desiccants Inc. v. Medzam Ltd.*, 133 F.3d 1473, 1477, 45 USPQ2d 1429, 1432 (Fed. Cir. 1998). See also MPEP § 2111.01.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B. Graham whose telephone number is 571-272-6795. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Thomas Dixon can be reached on (571) 272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Frantzy Poinvil/  
Primary Examiner, Art Unit 3696

CG

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